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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,983	08/31/2000	David A. Gasper	9040.00	3081

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,983

Applicant(s)

GASPER ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 11/22/2004, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al. (US Patent No. 6,378,770).

As per claim 1, Clark et al disclose a system and method for replenishing an ATM. See the abstract. The system and method comprise:

Identifying low-stocked ATM's, which require replenishment of currency (column 5, line 65 to column 6, line 30);

Causing a replenishment of currency in low-stocked ATMs to occur (column 6, lines 40-51);

Receiving replenishment signals from the replenishment ATMs (column 6, lines 50-53);
and

Using the replenishment signals, and without using communications from parties the replenishment, preparing one or more reports concerning the ATMs replenished (column 6, lines 50-53).

As per claim 2, each replenishment signal is generated by a computer within an ATM (column 5, line 65 to column 6, line 30 and column 6, lines 50-53).

As per claim 3, the replenishment signals indicate contact with an ATM by a party other than a customer in the normal course of business because an operator makes the replenishment. See column 5, line 65 to column 6, line 30 and column 6, lines 50-53.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US Patent No. 6,378,770).

As per claim 4, the teachings of Clark et al are discussed above. Clark et al do not explicitly teach an entry into an ATM by a burglar causes a replenishment signal to occur. As per this limitation, the Examiner notes that an entry into an ATM by a burglar would mostly likely be a theft of funds or currency that would cause a low stock of currency to occur. Clark et al teach means or step for detecting a low-level condition of empty cassettes that usually contain currency. Clark et al also teach re-stocking low-stocked ATMs. It would have been obvious to one of ordinary skill in the art at the time of the invention to note that an entry into an ATM by a burglar would cause a replenishment signal to occur because the ATM would be in a low-stock status which would therefore trigger a low-stock signal to occur so as to inform an operator or the remote computer of a need to re-stock the related ATM.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US Patent No. 5,945,602) in view of Clark et al. (US Patent No. 6,378,770).

As per claim 5, Ross discloses a system for managing the operation of a network of ATMs. See the abstract. Each ATM includes a plurality of sensors for maintaining a security of the ATM. The sensor detects a wide range of malfunctions and/or abnormalities (see column 8,

lines 5-8). Thefts and break-ins are well known activities that occur in ATM's. Using these sensors for detecting an entry and issuing an entry signal in response would have been obvious to do in the system of Ross because Ross uses a variety of sensors for detecting abnormal types of operations and send a signal to a remote computer which would then notifies the police.

Ross does not explicitly teach scheduling replenishment of a group of ATMs during a time period. The Examiner asserts that most ATM's dispensing cash to customers should routinely be replenished. See column 7, line 49 to column 8, line 4. If there exists a plurality of ATMs, then scheduling for a replenishment of a group of ATMs during a time period would have been obvious to one of ordinary skill in the art thereby maintaining a priority for the ATM's having less funds or ATM's which are more depleted, and also to avoid conflicts in the replenishment of the one or more ATMs.

Designating the corresponding ATMs as having been replenished in currency is not explicitly taught by Ross. Clark et al disclose a system and method for replenishing an ATM. The system comprises replenishing an ATM and designating the corresponding ATM as having been replenished in currency. See column 6, lines 40-53 of Clark et al. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings Clark et al into Ross in order to provide the status or accurate report of a replenished ATM so that unnecessary trips to replenish an already replenished ATM are not made.

5. Claims 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable Clark et al. (US Patent No. 6,378,770) in view of Ross (US Patent No. 5,945,602).

As per claim 6, Clark et al disclose a system and method for replenishing one or more automatic teller machine (ATM). See the abstract. In the drawings of Clark et al, only one ATM is shown. The Examiner notes that such is merely for illustration purposes. The Examiner asserts that a bank usually comprises a plurality of ATM's connected to a central computer.

Clark et al teach a serviceman obtains a report on the identification of empty cassettes and cassettes for which a low-level condition is detected. Thus, from this passage, since the actual amount for replenishment is not stated, the serviceman thus makes an estimate of the amount of currency stored in each cassette without measuring the currency presently stored. Any low-stocked ATM must be re-stocked with currency. The serviceman would need currency to re-stock these low-stocked ATMs and therefore a packet of currency must be prepared to restock the low-stocked ATMs. If the serviceman is in a different area, then transferring the packets to a courier would have been obvious to the skilled artisan in order to provide the serviceman with the needed currency to reload or restock the low-stocked ATMs.

Clark et al. further teach one or more signals from an ATM, which indicate interaction with the ATM by a party other than a customer. Note column 5, line 64 to column 6, line 7.

Clark et al do not explicitly teach recording the times of receipt of the signals and the identities of the ATMs issuing the respective signals and ascertaining whether the signals were issued by an ATM within the subset and if not contacting a law enforcement agency.

Recording the times of receipt of the signals would have been obvious to one of ordinary skill in the art to do in the system of Clark et al in order to note the time an operator is interacting with the ATM and or to note elapsed time period without replenishment or usage of the ATM.

Further reasons to record the identity of the ATM issuing the respective signals would have been to acknowledge which ATMs is or should be replenished.

Ross discloses contacting a law enforcement agency in the event of an abnormality or malfunction. See column 8, lines 14-26 of Ross. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature of contacting a law enforcement agency as taught by Ross into the system of Clark et al in order to deter tampering with the ATM system, thereby increasing the security of the ATM system.

Adjusting the estimate of the currency stored within that ATM in the combined teachings of Clark et al and Ross would have been obvious to one of ordinary skill in the art to do in cases where the operator notes that the ATM currency level is more below the level at the time the estimate was made. Adjusting the estimate of the currency stored within that ATM would have also been obvious to one of ordinary skill in the art to do in the combination of Clark et al and Ross whenever the ATM is newly re-stocked. The motivation would have been to confirm the amount being replenished for inventory and tracking purposes.

As per claim 7, in the combined teaching of Clark et al and Ross, a replenishment signal is automatically transmitted to a remote site. Thus, no person directly reports a replenishment supply of an ATM. See column 5, line 65 to column 6, line 7 and column 6, lines 40-53 of Clark et al.

As per claim 9, in the combined teaching of Clark et al and Ross, no communications, made by parties performing the replenishment are utilized in preparing the report. See column 5, line 65 to column 6, line 7 and column 6, lines 40-53 of Clark et al.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US Patent No. 6,378,770).

As per claim 8, Clark et al disclose a system and method for replenishing an automatic teller machine (ATM). See the abstract. In the drawings of Clark et al, only one ATM is shown. The Examiner notes that such is merely for illustration purposes. The Examiner asserts that a bank usually comprises a plurality of ATM's connected to a central computer.

Clark et al do not explicitly teach generating a list of:

ATMs scheduled to be replenished in currency and the amounts of currency to be replenished in each.

The Examiner asserts that most ATM's dispensing cash to customers should routinely be replenished. See column 7, line 49 to column 8, line 4. If there exists a plurality of ATMs, then generating ATMs scheduled to be replenished in currency and the amounts of currency to be replenished in each ATM would have been obvious to one of ordinary skill in the art thereby maintaining a priority for the ATM's having less funds or ATM's which are more depleted, and also to avoid conflicts in the replenishment of the one or more ATMs.

Clark et al further teach receiving signals from an ATM that indicates that entry into an ATM has occurred by having the ATM transmitting a signal to a remote terminal and based on the signals, preparing a report. See column 6, lines 40-53 of Clark et al. Clark et al do not explicitly state the report includes the ATM scheduled for replenishment, the ATM actually being replenished and the amount of replenishment for the ATM. As per these limitations, the Examiner notes that in the system of Clark et al, one or more ATM is being replenished with an amount of currency, and a record of the notes is stored in memory of the ATM and is also

transmitted to a host computer. See column 6, lines 30-53. Having the same information in the report would have been obvious to one of ordinary skill in the art to include therein. The motivation would have been to confirm the amount being replenished for inventory and tracking purposes.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP
February 2, 2005


FRANTZY POINVIL
PRIMARY EXAMINER
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